

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19-CR-155-EAW

JARIEL COBB et al.,

Defendants.

PROTECTIVE ORDER

IT APPEARING that the parties have reached an agreement regarding a Protective Order with respect to 3500 material and pretrial submissions which will be provided to counsel for the defendants proceeding to trial.

NOW, upon consideration thereof, it is hereby

ORDERED, that the government shall be permitted to file its pretrial memorandum, witness list, and exhibit list under seal such that only the parties and the Court will have access to the government's pretrial memorandum, witness list, and exhibit list; and it is further

ORDERED, that counsel for the defendants shall not make or provide copies, for the defendants, co-defendant's counsel, or any third parties, of 3500 material, Giglio/impeachment information, the government's pre-trial memorandum, witness lists, exhibit list, or other materials provided by the government even though such items may not

be considered 3500 material by law (such as FBI 302s); and it is further

ORDERED, that counsel for the defendants shall use the 3500 material, Giglio/impeachment information, the government's pre-trial memorandum, witness lists, exhibit list, or other materials provided by the government for trial preparation even though such items may not be considered 3500 material by law (such as FBI 302s) solely for the purposes of trial preparation and trial; and it is further

ORDERED, that early disclosure of 3500 materials, and/or any other witness identifying information, is for attorney's eyes only and counsel for the defendants shall not disclose (verbally or otherwise) the materials or the identity of any government witnesses, or potential government witnesses, to any defendant until August 5, 2022. In the event that counsel for the defendants believe earlier disclosure to a defendant of a particular witness's name is necessary, counsel for the respective defendant is permitted to seek relief from this protective order upon written motion; and it is further

ORDERED, that counsel for the government shall endeavor to provide unredacted 3500 material and Giglio/impeachment information to defense counsel as expeditiously and as far in advance of trial as possible. In the event the government determines that the safety and security of a particular witness requires withholding disclosure of that particular witness's 3500 material and Giglio/impeachment information, the government shall notify defense counsel that a witness's 3500 material and Giglio/impeachment information has been withheld, and defense counsel is permitted to file a motion with the Court for it to consider

whether or not to compel disclosure of the particular witness's 3500 material and Giglio/impeachment information; and it is further

ORDERED, that counsel for the defendants shall use the 3500 material, Giglio/impeachment information, the government's pretrial memorandum, witness lists, and exhibit list solely for the purposes of pretrial motions (including severance motions), trial preparation, investigation, and trial. Neither the defendant nor counsel for any defendant may disseminate any materials provided by the government pursuant to this Order to any third parties, including co-defendant's counsel, post any materials to social media in any format, or verbally disclose the contents of any materials provided by the government to any third parties. The materials provided pursuant to this Order shall be used by defense counsel and the defendants solely for pretrial motions, trial preparation, investigation, and trial; and it is further

ORDERED, that in the event that any defendant makes a pretrial motion in limine or other pretrial motion based upon the material provided, or made available, pursuant to this order, such motion shall redact any witness identifying information from the publicly filed motion, and unredacted copies of such motion shall be provided to the Court and counsel for the government; and it is further

ORDERED, that at the close of trial, counsel for the defendants shall return all 3500 material and impeachment information to the government, or confirm destruction of the foregoing materials by letter to the government, except for those documents which are

received in evidence; and it is further

ORDERED, that counsel for the defendants shall maintain copies of the government's pretrial memorandum, the government's witness lists, and the government's exhibit list, and/or the government's protected exhibit list in the attorney's file only and shall not provide copies to the defendants or any third parties upon the conclusion of the trial; and it is further

ORDERED, that this order shall not modify or supersede the terms of any protective order entered with respect to discovery materials provided by the government.

DATED: Rochester, New York, May 3, 2022.



HONORABLE ELIZABETH A. WOLFORD
United States District Court